

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LUTHER SIEGFRIED	:	
and	:	
LOIS SIEGFRIED,	:	
	:	
Plaintiff	:	CIVIL ACTION NO.: 02-2951
	:	
v.	:	
	:	(JUDGE BAYLSON)
LEHIGH VALLEY DAIRIES, INC.	:	
	:	
Defendant.	:	

DEFENDANT'S UNCONTESTED MOTION TO AMEND THE CAPTION

Defendant, Lehigh Valley Dairies, Inc. ("Defendant" or "Lehigh"), hereby moves the Court to amend the caption of the Complaint and in support thereof states as follows:

1. Plaintiffs, Luther and Lois Siegfried, commenced the above captioned action on May 17, 2002.
2. In the Complaint, Plaintiff, Luther Seigfried, alleged *inter alia*, that Lehigh violated the American with Disabilities Act of 1990 ("ADA") and the Pennsylvania Human Relations Act ("PHRA") during Mr. Siegfried's employment at Lehigh. Plaintiffs also asserted certain common law claims against Lehigh.
3. On July 22, 2002, Defendant moved the Court to dismiss, or in the alternative, for summary judgment on Counts III and IV of the Complaint, both of which asserted common law negligence claims against Lehigh on behalf of Mr. Siegfried and his wife.
4. The only Count asserted on behalf of Plaintiff, Lois Siegfried, was Count IV of the Complaint, alleging "Loss of Consortium".

5. On September 11, 2002, this Court granted Defendant's Motion to Dismiss Counts III and IV of the Complaint, dismissing those Counts with prejudice.
6. As a result of the Court's Order, there are no remaining claims being asserted on behalf of Lois Seigfried.
7. Because Mrs. Siegfried's only claim against Defendant was dismissed from the case, the caption should be amended to reflect that she is no longer a party.
8. Therefore, Defendant respectfully requests that this Court order the Clerk of Court to amend the caption in this case by removing Lois Seigfried as a named Plaintiff.
9. Plaintiffs' counsel does not contest this motion.

Respectfully submitted,

Michael G. Tierce (Pa. I.D. No. 49896)
Lisa M. Scidurlo (Pa. I.D. No. 80487)
Attorneys for Defendant

Stevens & Lee, P.C.
1818 Market Street, 29th Floor
Philadelphia, PA 19103

Dated: January ___, 2003.

CERTIFICATE OF UNCONTESTABILITY

I, Lisa M. Scidurlo, hereby certify pursuant to Local Rule of Civil Procedure 7.1

(b) that Plaintiff's counsel does not contest the foregoing Motion to Amend the Caption.

Lisa M. Scidurlo

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

LUTHER SEIGFRIED, JR.

and

LOIS SEIGFRIED

Plaintiffs,

V.

LEHIGH VALLEY DAIRIES, INC.

Defendant.

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CIVIL ACTION

NO. 02-2951

(JUDGE BAYLSON)

ORDER

AND NOW, this ____ day of _____, 2003, upon consideration of Defendant's Uncontested Motion to Amend the Caption, it is hereby

ORDERED that the Clerk of Court is directed to amend the caption of the case by removing Lois Siegfried as a named Plaintiff.

J.

CERTIFICATE OF SERVICE

I, Lisa M. Scidurlo, hereby certify that on this ____ day of January, 2003 I served a true and correct copy of the foregoing Defendant's Uncontested Motion to Amend the Caption, and a proposed form of Order upon Plaintiffs' counsel *via* first-class mail, postage prepaid, addressed as follows:

Scott M. Pollins, Esquire
1620 Schoolhouse Lane
Lower Gwyned, PA 19002

Lisa M. Scidurlo